PCT/CH2003/000305

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RB-Chem 18wo	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/CH2003/000305	International filing date (*day/month/year*) 13 May 2003 (13.05.2003)	Priority date (*day/month/year*) 17 May 2002 (17.05.2002)
International Patent Classification (IPC) or national classification and IPC G01G 17/06		
Applicant CHEMSPEED LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
16 October 2003 (16.10.2003)	20 August 2004 (20.08.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CH2003/000305

I. Basis of the report

1. With regard to the **elements** of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-29, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages 1-35, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:

pages 1/8-8/8, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

*** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CH 03/00305

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	7, 9-20, 22, 23, 25, 30	YES
	Claims	1-6,8,21,24,26-29,31-35	NO
Inventive step (IS)	Claims	7, 9-20, 22, 23, 25, 30	YES
	Claims	1-6,8,21,24,26-29,31-35	NO
Industrial applicability (IA)	Claims	1-35	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-0 731 344 (YAMATO SCALE CO LTD) 11 September 1996 (1996-09-11)

D2: WO 02/29369 A (CHEMSPEED LTD; METZGER FRANZ (CH); FRANK PAUL (CH); GUELLER ROLF) 11 April 2002 (2002-04-11) [cited in the application]

1.1 The general principle of dosing a substance using a plurality of individually emptiable substance compartments, as defined in claims 1 and 26, is already known in the prior art, for example from the publication D1 (see example 1, figure 1). The receiving device (1) comprises compartments (2, 3a-d, 4a-d) with emptying devices (5, 6, 8), and scales (7). The compartments can be emptied individually, and the emptying is controlled according to the amount determined by the scales.

In said prior art, the scales are not connected directly to the vessel that is to be filled, but to the receiving device. However, it clearly serves to determine the amount of substance to be dosed, and thus also to determine the amount that is actually dosed.

The device according to claim 1 and the method according

to claim 26 do not therefore meet the requirements of novelty (PCT Article 33(1) and (2)).

1.2 The additional features of dependent claims 2-6, 8, 21, 24, 26-29 and 31-35 are also already known from said prior art. (Since the filling of the substance compartments *per se* is not defined in the claims, a "pre-filled" compartment (claim 4) does not differ from the compartments according to D1.)

2. The available prior art contains no suggestion as to the features of the special embodiments of the compartments according to dependent claims 7, 9-20, 22, 23 and 25, which are concerned with the problem of dosing small amounts of substance for laboratory purposes. The same applies also to method claim 30. These claims therefore meet the requirements of PCT Article 33.

3. **Additional observation**

It follows from the description that the device of the present application functions according to a quite different dosing principle than that of publication D1. In D1, prior to the emptying of the first substance compartment, the number of compartments to be emptied is determined according to the measured weight *in the dosing device*. In the method of the application, after every dosing step, the weight is measured *in the vessel that is to be filled*, and the number of compartments still to be dosed is determined therefrom. These differences with respect to the prior art cannot, however, be found clearly in claims 1 and 26.